

### Remarks

The above Amendments and these Remarks are in reply to the Office action mailed April 2, 2004. Claims 1-27 are presented herewith for consideration. Claims 2, 15, 22, 24 and 26 have been amended.

Claim 26 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As suggested by the Examiner, claim 26 has been amended to be consistent with the Specification. Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claim 26 under 35 U.S.C. §112.

A Declaration by Michael R. Lorenz pursuant to 37 C.F.R. §1.132 (hereinafter "Declaration") is filed concurrently. The Declaration is provided as evidence of commercial success and numerous technological innovative awards of Michael R. Lorenz and software embodiments of the present application. In particular, the Declaration is provided to rebut the Examiner's rejection of claims 5, 7, 10, 11-12, 17, 25 and 27 under 35 U.S.C. §103(a). Also, the Declaration is provided to rebut the Examiner's rejection under 35 U.S.C. §102(e) as being anticipated by *He et al.* (U.S. Patent No. 6,557,042); in particular the Examiner's interpretation of *He et al.*

Applicant's attorney has reviewed the art made of record and not relied upon -- U.S. Patent No. 6,711,622 and U.S. Patent No. 6,622,171 -- and believes this art is no more relevant than the art relied upon by the Examiner.

Based on the above amendments and these remarks, reconsideration of claims 1-27 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: 

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